



# UNITED STATES PATENT AND TRADEMARK OFFICE

ET

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,350	07/08/2003	John G. Breeding	PA0894.AP.US	8903

7590 08/10/2006

MARK A. LITMAN & ASSOCIATES, P.A.  
York Business Center  
Suite 205  
3209 W. 76th St.  
Edina, MN 55435

EXAMINER

LAYNO, BENJAMIN

ART UNIT PAPER NUMBER

3711

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<p><b>Application No.</b></p> <p>10/615,350</p>	<p><b>Applicant(s)</b></p> <p>BREEDING ET AL.</p>	
	<p><b>Examiner</b></p> <p>Benjamin H. Layno</p>	<p><b>Art Unit</b></p> <p>3711</p>	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 17-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Order (Lotterhos).

The PCT patent application to Order, cited in a previous Office action, discloses a gaming apparatus comprising a gaming table, Fig. 4 with a gaming surface 51. The gaming surface has seven predetermined player locations for receiving gaming tokens 41. A gaming token supporter box marking 53 – 53.7 is mounted at each of the predetermined locations. The gaming token supporter box markings are inherently flush with the gaming surface and forms a gaming token receiving location. Under each gaming token supporter box marking is a photoelectric (photodiode) sensor, see page 16, lines 11-13. Thus, Order's photodiodes are mounted to the gaming structure such that each photodiode sensor is aligned with and in sensing proximity to a gaming token supporter Order recites "in accordance with the invention, including integration of automatic control systems for adjusting the sensitivity of the photodiodes for change in brightness in the gaming room, for example, when switching additional lamps on and off", page 17, lines 20-24. Thus, it is inherent that Order's photodiode sensors provide modulated light emissions and senses modulated light.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Order as applied to claim 1 above, and further in view of Brown 876'.

The patent to Brown 876' (cited in a previous Office action) discloses a game apparatus comprising a gaming table 10 with a gaming table surface having at least one predetermined location 20, 22, 24 for receiving a gaming token. Each predetermined location comprises a photoelectric sensor 28 mounted to a continuous inner edge 44 such that each sensor is aligned with and in sensing proximity to one of the at least one predetermined location, Fig. 6. A sensor housing 38 for each sensor has a gaming token supporter 40, and a transparent lens or outer edge 27 positioned above the sensor which supports the gaming token. The upper surface of the housing 40 and the upper surface of the transparent lens or outer edge 27 is flush mounted to the gaming surface and forms a gaming token receiving location, col. 3, lines 43-46.

In view of such teaching, it would have been obvious to modify Order's token supporter box markings 53 – 53.7 by incorporate a photodiode sensor housing to each of Order's gaming token supporter box markings. The upper surface of each housing would have been flush mounted to Order's gaming surface 51. This modification would

have provided Order's photodiode sensors with more protection from damage and sabotage.

In regard to claims 5-7, the Brown 876' game apparatus further comprises a decoder 34, 36, Figure 2, electrically connected to each sensor for determining whether a gaming token is present at the gaming token location monitored by each sensor, col. 4, lines 8-28. In view of such teaching, it would have been obvious to incorporate a decoder to Order's game apparatus in order to more accurately determine whether a gaming token is present at a gaming token location.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Order in view of (Brown 876' and Paulsen).

Paulsen's (cited in a previous Office action) decoder is a hard-wired circuit 100 connected to a sensor. In view of such teaching, it would have been obvious to make Order's decoder (as modified above) a hard wired circuit in order to make the sensors more accurate and to provide more protection from damage. Furthermore, decoders in the form of microcontrollers are well known in the art and therefore obvious.

Art Unit: 3711

7. Claims 17 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Order in view of (Kim et al. and Jones et al. 4,861,041).

Order's gaming table is used for playing conventional blackjack, see pages 1-3. In addition to playing conventional blackjack, other variations of blackjack may be played with different rules such as "Backing the Box", "Double down", "Split" and "Insurance", page 3, lines 17-34. Thus, the blackjack games played on Order's gaming table are multi-tiered games. Order further comprises a hand-held camera or scanner device, page 18, lines 16-25 and monitor, page 21, line 1 which are used as a dealer control means for determining whether a gaming token is present in each of the plurality of wagering areas. The dealer control means accumulates the betting information from each of the plurality of sensor means. Order further comprises a computer connected to each dealer control means for continuously accumulating the betting information, page 20, line 34 to page 21, line 2, winning outcome data, calculating a prize amount, page 21, lines 21-24 and controlling the display means, page 21, line 1. Order further recites that a plurality of gaming tables may be linked by a local network, page 21, lines 15-17.

The patent to Kim et al. teaches that it is known in the gaming table art for a dealer control means to have a security code that must be entered, col. 4, line 58 to col. 5, line 2. In view of such teaching, it would have been obvious to provide a security code to Order's control means in order to provide more security to Order's game.

The patent to Jones et al. 4,861,041 cited in a previous IDS, teaches that it is well known in the gaming table art to provide an LED display sign 350 for displaying the

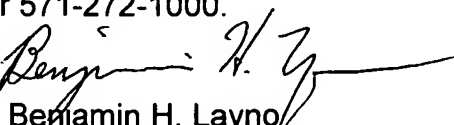
Art Unit: 3711

prize amount for a multi-tiered game, col. 7, lines 24-31. In view of such teaching, it would have been obvious to incorporate an LED display sign to Order's gaming table for displaying the prize amount in order to attract more customers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (571) 272-4424. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571)272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Benjamin H. Layno  
Primary Examiner  
Art Unit 3711

bhl